

JAMES E. LYONS (Cal. Bar No. 112582)
TIMOTHY A. MILLER (Cal. Bar No. 154744)
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
Four Embarcadero Center, Suite 3800
San Francisco, California 94111-4144
JLYONS@SKADDEN.COM
TMILLER@SKADDEN.COM
Telephone: (415) 984-6400
Facsimile (415) 984-2698

Attorneys for Plaintiffs
McKESSON CORPORATION AND
HBO & COMPANY, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION *E-FILED - 8/24/06*

McKESSON CORPORATION, and
HBO & COMPANY, INC.,

Plaintiffs,

v.

ARTHUR ANDERSEN LLP, ROBERT
PUTNAM, and DOES 1-20,

Defendants.

Case No. C-05-04020 RMW

STIPULATION AND ~~PROPOSED~~
ORDER RE:

REVISED BRIEFING SCHEDULE ON
OPPOSITION TO DEFENDANTS'
RESPONSES TO AMENDED AND
SUPPLEMENTAL COMPLAINT

Date: N/A
Time: N/A
Dept.: Courtroom 6 - 4th Floor

1 WHEREAS, on August 11, 2005, Plaintiffs McKesson Corporation ("McKesson") and
2 HBO & Company, now known as McKesson Information Solutions LLC ("HBOC") (collectively,
3 "Plaintiffs") filed a complaint against Defendants Arthur Andersen LLP ("Andersen") and Robert A.
4 Putnam ("Putnam" and together with Andersen and Plaintiffs, the "Parties") in the Superior Court of the
5 State of California in and for the County of San Francisco (the "McKesson Complaint");

6 WHEREAS, on October 5, 2005, Putnam filed a Notice of Removal in the San Jose
7 Division of the United States District Court for the Northern District of California;

8 WHEREAS, on or about February 24, 2006, the Parties entered into a Stipulation and
9 [Proposed] Order RE: (1) Consolidated Briefing on Motions to Dismiss; (2) Briefing and Hearing
10 Schedule; and (3) Changing Date for Case Management Conference, pursuant to which the Parties agreed,
11 among other things, to a schedule for the briefing and hearing on motions to dismiss and related motions
12 that Andersen and Putnam expected to file in response to the McKesson Complaint, which was approved
13 by the Court on March 14, 2006;

14 WHEREAS, on March 2, 2006, Defendants Andersen and Putnam responded to the
15 McKesson Complaint by filing motions to dismiss the McKesson Complaint pursuant to Rule 12(b)(6)
16 of the Federal Rules of Civil Procedure and motions to strike certain portions of the complaint; and

17 WHEREAS, on or about March 21, 2006, the Parties entered into a Stipulation and
18 [Proposed] Order RE: Briefing and Hearing Schedule On Motions To Dismiss And Motions To Strike,
19 pursuant to which the Parties agreed, among other things, to modify the briefing and hearing schedule on
20 the pending motions to dismiss and motions to strike, and to set the hearing on those motions for the same
21 day as the scheduled initial case management conference, which was set for June 16, 2006;

22 WHEREAS, on March 30, 2006, Andersen served on counsel for McKesson and HBOC
23 a copy of a complaint filed by Andersen against McKesson and HBOC in the United States District Court
24 for the Northern District of California, Case No. C-06-02035 JW (RS) (the "Andersen Complaint");

25 WHEREAS, pursuant to Northern District Local Rule 3-12, in a Related Case Order dated
26 April 14, 2006, this Court found that Case No. C-06-02035 is related to the class action captioned In re
27 McKesson HBOC, Inc. Securities Litigation (Master File No. CV 99-20743 RMW) ("Class Action") and
28 reassigned that action to this Court;

1 WHEREAS, the parties agreed that Case No. C-06-02035 is also related to the above-
2 captioned action;

3 WHEREAS, prior to filing an opposition to Andersen's and Putnam's motions to dismiss
4 the McKesson Complaint, McKesson and HBOC informed Andersen and Putnam of their intention to file
5 an Amended and Supplemental Complaint;

6 WHEREAS, in light of McKesson and HBOC's intention to file an Amended and
7 Supplemental Complaint, Andersen and Putnam agreed to withdraw their motions to dismiss and all
8 related motions and requests and to coordinate the briefing on responses to McKesson's Amended and
9 Supplemental Complaint with responses to the Andersen Complaint filed in Case No. C-06-02035, and
10 to coordinate the scheduled initial case management conference in this action with the coordinated
11 hearings on those motions;

12 WHEREAS, pursuant to stipulation of the parties, McKesson and HBOC filed their
13 Amended and Supplemental Complaint on April 28, 2006;

14 WHEREAS, on or about May 12, 2006, the Parties entered into a Stipulation and
15 [Proposed] Order RE: Coordinated Briefing and Hearing Schedule On Responses To Amended And
16 Supplemental Complaint And Rescheduling Of Initial Case Management Conference, pursuant to which
17 the Parties agreed to a coordinated schedule for the briefing and hearings on motions to be filed in
18 response to the Amended and Supplemental Complaint in this action and the Andersen Complaint filed
19 in Case No. C-06-02035, and on a new date for the initial case management conference in this action,
20 which was approved by the Court on May 24, 2006;

21 WHEREAS, pursuant to the Court's May 24, 2006, order, Andersen and Putnam were
22 required to answer, move or otherwise respond to the Amended and Supplemental Complaint on or before
23 June 16, 2006, any papers filed in opposition to any motion filed in response to the Amended and
24 Supplemental Complaint were to be filed on or before August 4, 2006, any reply papers filed in further
25 support of any motion filed in response to the Amended and Supplemental Complaint were to be filed on
26 or before September 1, 2006, the hearing on any motions filed in response to the Amended and
27 Supplemental Complaint was to be noticed for September 22, 2006, and the initial case management
28 conference originally scheduled for June 16, 2006, was to be held on September 22, 2006;

1 WHEREAS, on or about June 15, 2006, the Parties entered into a Stipulation and
 2 [Proposed] Order RE: Revised Briefing Schedule On Responses To Amended And Supplemental
 3 Complaint, pursuant to which the Parties agreed to revise the date for filing any responses to the Amended
 4 and Supplemental Complaint in this action and the Andersen Complaint filed in Case No. C-06-02035,
 5 from June 16, 2006 to July 7, 2006, with all other briefing and hearing dates remaining unchanged, which
 6 was approved by the Court on July 6, 2006;

7 WHEREAS, pursuant to the Court's July 6, 2006, order, on July 7, 2006, Andersen and
 8 Putnam responded to the Amended and Supplemental Complaint by filing, inter alia, a Motion to Dismiss
 9 and a Motion to Strike, and McKesson and HBOC responded to the Andersen Complaint in Case No. C-
 10 06-02035 by filing, inter alia, a Motion to Dismiss and a Motion to Strike;

11 WHEREAS, Andersen has recently propounded discovery requests in the related Class
 12 Action on McKesson's counsel in this action, Skadden, Arps, Slate, Meagher & Flom LLP ("Skadden");

13 WHEREAS, Skadden has agreed to accommodate Andersen's discovery requests prior to
 14 the August 18, 2006, discovery cutoff in the Class Action;

15 WHEREAS, to accommodate the completion of discovery in the Class Action, the Parties
 16 have met and conferred and reached an agreement on revised dates on which opposition and reply papers
 17 in this action and in Case No. C-06-02035 must be filed;

18 WHEREAS, the date of the hearing on these motions and the date of the initial case
 19 management schedule will remain unchanged under the modified schedule;

20 WHEREAS, the parties are simultaneously entering into a separate stipulation in Case No.
 21 C-06-02035 reflecting this revised coordinated schedule;

22 ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED, by and between the
 23 Parties that:

- 24 (a) The date on which Plaintiffs shall file any papers in opposition to Andersen and
 25 Putnam's motions filed in response to the Amended and Supplemental Complaint
 26 shall be changed from August 4, 2006, to August 25, 2006;
- 27 (b) The date on which Andersen and Putnam shall file any reply papers in further
 28 support of the motions filed in response to the Amended and Supplemental

Complaint shall be changed from September 1, 2006, to September 8, 2006;

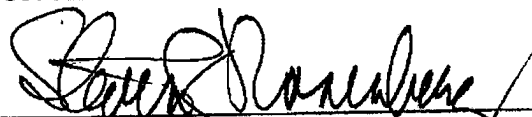
(c) All hearing dates in the Court's July 6, 2006, order shall remain unchanged, as set forth below:

- (1) The hearing date on the motions filed in response to the Amended and Supplemental Complaint in this action shall remain September 22, 2006, at 9:00 a.m., as noticed in those motions and as set forth in the Court's May 24, 2006 and July 6, 2006 Orders;
- (2) The initial case management conference shall also be held on September 22, 2006, at 9:00 a.m.

DATED: July 29, 2006

LAW OFFICES OF STEVEN J. ROSENBERG, P.C.

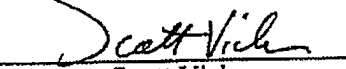
By


Steven J. Rosenberg
Attorneys for Defendant
ROBERT A. PUTNAM

DATED: July 29, 2006

ALSCHULER GROSSMAN STEIN & KAHAN LLP

By


Scott Vick
Attorneys for Defendant
ARTHUR ANDERSEN LLP

1 DATED: ^{Augst 1} ~~July~~ ____, 2006

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

2
3 By



Timothy Miller
Attorneys for Plaintiffs
McKESSON CORPORATION and
HBO & COMPANY, now known as
McKesson Information Solutions LLC

4
5
6
7
8 **ORDER**

9 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

10
11 DATED: 8/24, 2006

/s/ Ronald M. Whyte

The Honorable Ronald M. Whyte
United States District Judge